

REMARKS

Upon entry of this amendment, claims 1-16 and 21-25 will be pending.

Examination of Claims Reading on Elected Species

Applicant requests the Examiner reconsider the withdrawal of claims 1-6 and 21-25. Applicant elected the species of Figs. 5-7 for examination on the merits, and identified claims 1-8 and 12-25 as reading on the elected species.

Fig. 5 is described in the Specification beginning at the second paragraph of page 6. The Specification describes Fig. 5 as showing a support apparatus 110 including a support 112 and a restraint 124 mounted on the support 112. Further, the Specification states the restraint 124 includes a glove 126 and a sleeve 130, both of which may be adapted for measuring a physiological parameter when they include sensors. Thus, the support apparatus 110 includes a support 112 and a sensor (i.e., in glove 126) mounted on the support as recited in claims 1-6. Further, the sensor is at least partially attached to the support without an adhesive, and the sensor is adapted to communicate with the patient's limb for measuring a physiological parameter of the patient on the limb when the limb is supported by the support as recited in the claims. Thus, claims 1-6 read on the elected species. Applicant requests claims 1-6 be examined in a subsequent non-final Office action.

Likewise, the support apparatus 110 includes a support 112 having a surface for receiving at least a portion of the patient's limb thereon (i.e., the upper surface of the support), and a sensor (i.e., in glove 126) mounted on the support as recited in claims 21-25. Further, the Fig. 5 does not specify whether the measuring region of the sensor in the glove faces away from the support surface for engaging the patient's limb when received by the support for measuring a physiological parameter of the patient. Thus, claims 21-25 also read on the elected species. Applicant requests claims 21-25 be examined and action taken in a subsequent non-final Office action.

35 U.S.C. § 102(b) - claims 7, 8 and 12-14

Applicant requests reconsideration of the rejection of claims 7, 8 and 12-14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,516,289 (David). Each of the claims recites a support apparatus for restraining movement of at least a portion of a patient's limb during a procedure comprising a support for receiving at least a portion of the patient's limb thereon to support the limb independent of the patient to limit movement of the limb during the procedure regardless of movement of other portions of the patient, and a restraint mounted on the support for engaging the limb to restrain movement of the limb. Further, the claim requires the restraint include a sensor adapted to communicate with the patient's limb for measuring a physiological parameter of the patient on the limb when the limb is received by the restraint.

In contrast, David discloses a glove and sleeve having sensors. The glove is suspended from the patient's neck by a sling. The sling does not support the limb independent of the patient as required by the claim. Rather, the sling supports the limb from the patient's neck so the limb moves with the patient's neck and movement of the limb is not limited regardless of movement of other portions of the patient. Therefore, every requirement of the claims is not found in or suggested by the cited reference. Accordingly, the Section 102 rejection is improper and should be withdrawn.

35 U.S.C. § 102(b) - claims 15 and 16

Applicant requests reconsideration of the rejection of claims 15 and 16 under 35 U.S.C. § 102(b) as being anticipated by David. Each of the claims recites a support apparatus for restraining movement of at least a portion of a patient's limb during a procedure apparatus comprising a support for receiving at least a portion of the patient's limb thereon to support the limb independent of the patient to limit movement of the limb during the procedure regardless of movement of other portions of the patient and a glove mounted on the support and adapted to receive at least a portion of a hand of the patient's limb. In addition, the claims require that the glove have a first portion adapted to receive at least a portion of a first digit of the hand and a second portion separate from the first portion and adapted to receive at least a portion of a second digit of the hand. As discussed above with respect to claims 7, 8 and 12-14, David does not disclose or suggest a support as

claimed. Rather, David discloses a sling. Because each of the claim requirements is not found in or suggested by the cited reference, the Section 102 rejection is improper and should be withdrawn.

Conclusion

As it is believed the application is in condition for allowance, a favorable action and Notice of Allowance are respectfully requested.

Respectfully submitted,
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